



17 MAR 2006

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#8

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NEW YORK, NY 10150-5257

In re Application of FUKS et al	:	
U.S. Application No.: 10/524,668	:	
PCT Application No.: PCT/US03/25125	:	
Int. Filing Date: 12 August 2003	:	
Priority Date Claimed: 13 August 2002	:	DECISION
Attorney Docket No.: 04227/100L791-US1	:	
For: DEVICES AND METHODS FOR	:	
DETECTING AMNIOTIC FLUID IN	:	
VAGINAL SECRETIONS	:	

This is in response to applicant's "Renewed Petition Under 37 C.F.R. 1.47(b)" filed 08 March 2006.

**BACKGROUND**

On 12 August 2003, applicant filed international application PCT/US03/25125, which claimed priority of an earlier United States application filed 13 August 2002. The thirty-month period for paying the basic national fee in the United States expired on 13 February 2005.

On 09 February 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 01 August 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 08 December 2005, applicant a petition under 37 CFR 1.47(b).

On 26 January 2006, this Office mailed a decision dismissing the 08 December 2005 petition.

On 08 March 2006, applicant filed the present renewed petition under 37 CFR 1.47(b).

### DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the fee under 37 CFR 1.17(i), (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the inventor, (4) an oath or declaration by the 37 CFR 1.47(b) applicant on behalf of and as agent for the non-signing inventor, (5) proof that the 37 CFR 1.47(b) applicant has sufficient proprietary interest in the application, and (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. See 37 CFR 1.47(b).

Petitioner has previously satisfied items (1), (2), (3), (5), and (6) above.

With regard to item (4) above, an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventors has been provided.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.47(b) is GRANTED.

This application has an international filing date of 12 August 2003 and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 08 March 2006.

As set forth in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the nonsigning inventors at the last known addresses of record and will be published in the *Official Gazette*.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

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Boris Fuks  
4 Riverhust Road, Apt. 501  
Billerica, MA 01821

In re Application of FUKS et al  
U.S. Application No.: 10/524,668  
PCT Application No.: PCT/US03/25125  
Int. Filing Date: 12 August 2003  
Priority Date Claimed: 13 August 2002  
Attorney Docket No.: 04227/100L791-US1  
For: DEVICES AND METHODS FOR  
DETECTING AMNIOTIC FLUID IN  
VAGINAL SECRETIONS

Dear Boris Fuks:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Dmitrii Pertrunin  
6 Stroikovskaja ul., Apartment 190  
Moscow 109316  
Russian Federation

In re Application of FUKS et al  
U.S. Application No.: 10/524,668  
PCT Application No.: PCT/US03/25125  
Int. Filing Date: 12 August 2003  
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Attorney Docket No.: 04227/100L791-US1  
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VAGINAL SECRETIONS

Dear Dmitrii Pertrunin:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Yevgeny Li'ich Zarskiy  
69 Ul. Udaltsova, Apartment 19  
Moscow 117454  
Russia

In re Application of FUKS et al  
U.S. Application No.: 10/524,668  
PCT Application No.: PCT/US03/25125  
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Attorney Docket No.: 04227/100L791-US1  
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Dear Yevgeny Li'ich Zarskiy:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Marina Nikolayevna Boltovskaya  
50 Malaya Filevskaya ul., Apartment 88  
Moscow 121433  
Russian Federation

In re Application of FUKS et al  
U.S. Application No.: 10/524,668  
PCT Application No.: PCT/US03/25125  
Int. Filing Date: 12 August 2003  
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Attorney Docket No.: 04227/100L791-US1  
For: DEVICES AND METHODS FOR  
DETECTING AMNIOTIC FLUID IN  
VAGINAL SECRETIONS

Dear Marina Nikolayevna Boltovskaya:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Svetlana Vladimirovna Nazimova  
Borisovskii Prudii, 21-1, Apartment 98  
Moscow 15211  
Russia

In re Application of FUKS et al  
U.S. Application No.: 10/524,668  
PCT Application No.: PCT/US03/25125  
Int. Filing Date: 12 August 2003  
Priority Date Claimed: 13 August 2002  
Attorney Docket No.: 04227/100L791-US1  
For: DEVICES AND METHODS FOR  
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VAGINAL SECRETIONS

Dear Svetlana Vladimirovna Nazimova:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Nelly Andronikovna Starosvetskaya  
10 Grodnenskaya ul., Apt. 64  
Moscow  
Russian Federation

In re Application of FUKS et al  
U.S. Application No.: 10/524,668  
PCT Application No.: PCT/US03/25125  
Int. Filing Date: 12 August 2003  
Priority Date Claimed: 13 August 2002  
Attorney Docket No.: 04227/100L791-US1  
For: DEVICES AND METHODS FOR  
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Dear Nelly Andronikovna Starosvetskaya:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Alexandr Konstantinov  
105 Spit Brook Road, Suite 19-C  
Nashua, NH 03062

In re Application of FUKS et al  
U.S. Application No.: 10/524,668  
PCT Application No.: PCT/US03/25125  
Int. Filing Date: 12 August 2003  
Priority Date Claimed: 13 August 2002  
Attorney Docket No.: 04227/100L791-US1  
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Dear Alexandr Konstantinov:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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Margarita Igorevna Marshiskaia  
27 ul. Vvedenskogo, Building 2, Apartment 256  
Moscow 117342  
Russian Federation

In re Application of FUKS et al  
U.S. Application No.: 10/524,668  
PCT Application No.: PCT/US03/25125  
Int. Filing Date: 12 August 2003  
Priority Date Claimed: 13 August 2002  
Attorney Docket No.: 04227/100L791-US1  
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VAGINAL SECRETIONS

Dear Margarita Igorevna Marshiskaia:

You are named as an inventor in the above-captioned United States national stage application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 118. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost set forth in 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you choose to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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